

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAVID STACK,

Plaintiff,  
-against-

NEW YORK CITY and NEW YORK POLICE  
DEPARTMENT, *et al.*,

Defendants.

23-CV-7018 (LTS)

ORDER TO UPDATE  
ADDRESS

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff was detained at the Anna M. Kross Center on Rikers Island under B & C number 44123300236 when he filed this action. On March 13, 2024, a search of the New York City Department of Correction (“DOC”) Inmate Lookup Service, using both Plaintiff’s name and B & C number, revealed that Plaintiff is not currently detained by the DOC. *See* <https://a073-ils-web.nyc.gov/inmatelookup/pages/home/home.jsf> [<https://perma.cc/HWL8-YE3C>] (last visited March 13, 2024). Plaintiff has not notified the court of a change of mailing address and has not initiated any further contact with the court, written or otherwise.

As set forth below, Plaintiff is directed to provide an updated address to the court within 30 days of the date of this order.

**DISCUSSION**

Under Rule 41(b) of the Federal Rules of Civil Procedure, a district court may dismiss an action *sua sponte* for failure to prosecute, as long as the court notifies the plaintiff. *LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001). A court may dismiss an action under Fed. R. Civ. P. 41(b) if the plaintiff fails to notify the court of a new address and the court is unable to contact the plaintiff. *See, e.g., Abdallah v. Ragner*, No. 12-CV-8840 (JPO), 2013 WL 7118083, at \*4 (S.D.N.Y. Nov. 22, 2013) (“A plaintiff is required to notify the Court when his

address changes, and failure to do so is sufficient to justify dismissal of a plaintiff's complaint . . . . If [the plaintiff] does not contact the Court and update his address within the time allowed, this action will be dismissed for failure to prosecute." (citing *Fields v. Beem*, No. 13-CV-0005, 2013 WL 3872834, at \*2 (N.D.N.Y. July 24, 2013) (collecting cases))).

The Court hereby notifies Plaintiff that he must update the court with his new address within 30 days of the date of this order. If Plaintiff does not comply with this order within the time allowed, the Court will dismiss this action, under Rule 41(b) of the Federal Rules of Civil Procedure, without prejudice to Plaintiff's refiling it.

### CONCLUSION

Within 30 days of the date of this order, Plaintiff must update the court, in writing, with his new address. Failure to do so will result in dismissal of the action without prejudice under Fed. R. Civ. P. 41(b) for failure to prosecute.

The Clerk of Court is directed to mail a copy of this order to the address on the court's docket, which is the last known address for Plaintiff. The Clerk of Court is further directed to include Plaintiff's B & C number 4412300236 on the correspondence.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: March 13, 2024  
New York, New York

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge